

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of
Application No. 96-1

OLYMPIC PIPELINE COMPANY

CROSS CASCADE PIPELINE PROJECT

YAKAMA INDIAN NATION'S
OPENING STATEMENT

The Yakama Indian Nation (YIN) is a federally recognized Indian government made up of 14 different Tribes and Bands which, in 1855, signed a Treaty with the United States. Pursuant to Article III of the Treaty, the Yakama Nation ceded millions of acres of land (encompassing nearly a third of what is now Washington State) to the federal government and reserved for their own exclusive use the Yakama Reservation. In addition, the Yakama Nation reserved the right of its people to fish at all of their usual and accustomed fishing places and the right to hunt, gather and pasture cattle on all open and unclaimed lands throughout the area ceded to the United States. The proposed Cross Cascade Pipeline (CCP) will run directly across this Ceded Area to which the Yakama Nation has continuing federally protected rights to fish, hunt, gather and pasture cattle.

The traditions and customs of the Yakama people are a crucial and integral part of the Yakama culture and are regularly practiced today. The Yakama culture is a living culture, although the non-Native culture within Washington State may not be aware of its existence. Hunting, fishing, gathering roots, berries, and other plants, and different religious practices remain of utmost importance to the Yakama people. The Upper Yakima and Mid Columbia River Basins are areas of prime importance to the practices of the Yakama people and are

integral to the continuing exercise of their reserved legal rights. The CCP will run directly through these crucial areas and poses a serious risk to the landscape and its natural resources which the Yakama people hold dear.

In addition to the cultural practices of its people, and pursuant to the protection and enhancement of their legal rights, the Yakama Nation exercises differing forms of regulatory authority and stewardship responsibilities throughout its Ceded Area. The YIN's activities have included habitat restoration projects along different rivers and streams, and a fish hatchery project in conjunction with the State of Washington Department of Fish and Wildlife. The success of and investment in these projects are also put at risk by the proposed CCP.

Finally, scattered across the length of this pipeline route are remnants of the Yakama people's pre-historic and historic use of the landscape. The Yakama Nation has continually struggled to protect these archaeological resources from damage, through the use of State and federal statutory measures, in the face of continued invasive land use practices and increasing human encroachment on the landscape. These archaeological sites are of importance to the Yakama for several religious and secular purposes and are put at risk by the proposed CCP project. Also present across this landscape are areas of continued cultural and religious uses. Areas of continued use are referred to by the Yakama People as Traditional Cultural Properties. The Yakama Nation has striven to protect these cultural use sites from damage. These sites include both hunting and gathering grounds, protected by the Treaty of 1855, as well as sites used or worshipped as sacred and religious areas. These sites, too, are put at risk by the CCP. The protection of all of these areas in their natural state is of crucial importance to the Yakama culture and its religions.

The Yakama Nation will present evidence relating to the nature of its people's cultural practices and how these may be affected by the proposed CCP. This is information which the applicant has not gathered within its application, and which the Forest Service and the Energy Facility Site Evaluation Council (EFSEC) have not considered in the Draft Environmental Impact Statement (DEIS). The information we will provide concerns how the CCP could affect

the Yakama's Treaty protected, statutory and religious rights. It is intended to provide EFSEC a basis upon which to require further study of the risks posed to the rights and interests of the Yakama people and the need for mitigation measures to remove that risk.

The Yakama Nation has long understood the tendency of the non-Native culture to expand and grow. However, we have been steadfast in insisting that such expansion not come at the expense of a violation of our inherent Treaty rights and the Yakama culture and religion. We charge EFSEC with insuring that the resources and practices central to the identity and everyday life of the Yakama people, a distinct culture within the bounds of Washington State, are protected from damage or destruction.

DATED this 14th day of April, 1999.

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